



**Committee:** PHED  
**Staff:** Jeffrey L. Zyontz, Senior Legislative Analyst  
**Purpose:** Final action – vote expected  
**Keywords:** #Signs, #Roof Signs, Metro Station Policy Areas

**AGENDA ITEM 5A**  
**February 4, 2020**  
**Action**

## **SUBJECT**

19-09, Prohibited Roof Signs - Exemptions

## **EXPECTED ATTENDEES**

Ehsan Motazed, Chief, Zoning and Site Plan Enforcement, Department of Permitting Services (DPS)  
Greg Russ, Planner Coordinator, Planning Department

## **COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION**

On January 23, 2020, the PHED Committee (3-0) recommended approval of ZTA 19-09 as introduced (with technical correction for typographical error on line 31).

## **DESCRIPTION/ISSUE**

The proposed amendment to the Montgomery County Zoning Ordinance would allow roof signs in Red Policy Areas as identified in the most recent Subdivision Staging Policy. See <https://montgomeryplanning.org/resources/subdivision-staging-policy-area-map/>. Some buildings in high density areas are constructed with glass walls. Signs that block windows are impractical. On buildings with all glass walls, the Zoning Ordinance effectively prohibits high wall signs and prohibits roof signs.

## **SUMMARY OF KEY DISCUSSION POINTS**

Currently, roof signs are prohibited except in urban renewal areas (Silver Spring Triangle, Lyttons, Scotland, Emory Grove, and Rockville). For all practical purposes, the allowance for roof signs only affects part of the Silver Spring CBD.

ZTA 19-09 would allow roof signs (that concern on-site activity – an off-site sign is prohibited) in White Flint, Wheaton, Twinbrook, Silver Spring CBD, Shady Grove, Grosvenor, Glenmont, Forest Glen, Friendship Heights, and the Bethesda CBD.

Only the signs approved as part of a sign concept plan for an optional method development project would be allowed. Any such sign would be subject to Sign Review Board approval and the height limits of the underlying zone.

### **This report contains:**

Staff Memorandum

ZTA 19-09

Planning Staff Report

### **Pages**

1-3

© 1-4

© 5-6

**Alternative format requests for people with disabilities.** If you need assistance accessing this report you may submit alternative format requests to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at [adacompliance@montgomerycountymd.gov](mailto:adacompliance@montgomerycountymd.gov)

**Action**

**MEMORANDUM**

January 30, 2020

TO: County Council

FROM: Jeffrey L. Zyontz, Senior Legislative Analyst

SUBJECT: Zoning Text Amendment 19-09, Prohibited Roof Signs – Exemptions

PURPOSE: Action – PHED recommendations for the Council's consideration

**PHED Recommendation:** On January 23, 2020, the PHED Committee (3-0) recommended approval of ZTA 19-09 as introduced (with technical correction for typographical error on line 31).

**Expected Participants**

Ehsan Motazedi, Chief, Zoning and Site Plan Enforcement, Department of Permitting Services (DPS)  
Greg Russ, Planner Coordinator, Planning Department

**Summary of ZTA 19-09**

The proposed amendment to the Montgomery County Zoning Ordinance would allow roof signs in Red Policy Areas as identified in the most recent Subdivision Staging Policy.



ZTA 19-09 would allow roof signs (that concern on-site activity – an off-site sign is prohibited) in White Flint, Wheaton, Twinbrook, Silver Spring CBD, Shady Grove, Grosvenor, Glenmont, Forest Glen, Friendship Heights, and the Bethesda CBD.

Only the signs approved as part of a sign concept plan for an optional method development project would be allowed. Any such sign would be subject to Sign Review Board approval and the height limits of the underlying zone.

### **Why was ZTA 19-09 proposed?**

Some buildings in high-density areas are constructed with glass walls. Signs that block windows are impractical. On buildings with all glass walls, the Zoning Ordinance effectively prohibits high wall signs and prohibits roof signs.

Currently, roof signs are prohibited except in urban renewal areas (Silver Spring Triangle, Lyttonsville, Scotland, Emory Grove, and Rockville).<sup>1</sup> For all practical purposes, the allowance for roof signs only affects part of the Silver Spring CBD.

### **Testimony**

<sup>1</sup> Within designated renewal areas, the County is allowed to purchase or take private property and then sell that property to selected developers. The developers then devote that property to other uses. Urban renewal areas are noted in the zoning code in sections of code concerning open space - 59.6.3.3 - and in multiple provisions concerning signs - 59.6.7.1, 59.6.7.4, 59.6.7.10, 59.7.4.1. Urban renewal areas are the atomic bomb of planning, although their use is not controlled by any international treaty. The last urban renewal area created by the County was the Silver Spring CBD, created in 1992. No one who worked on urban renewal areas is still employed by the Department of Housing and Community Affairs (DHCA). DHCA could not locate maps of urban renewal areas other than the Silver Spring CBD.

The Planning Board and Planning staff have no objection to ZTA 19-09 given that any such roof sign would be allowed with conditions. A representative of the American Society of Health Systems Pharmacists (ASHP) spoke in favor of ZTA 19-09 as introduced.

**Issue: Does the Council favor roof signs under certain circumstances in highly urbanized areas?**

As allowed by ZTA 19-09, a roof sign must be part of a design concept plan approved as part of an optional method development (lines 12-13) and could not exceed the height of the zone (lines 27-28). The Sign Review Board must approve a Sign Concept Plan (Lines 26-27).

**PHED Recommendation:** These limitations should be enough to protect the interests of neighboring properties.

**Staff Comment:** Urban renewal areas are addressed in references to signs and open space. Silver Spring is the only urbanized urban renewal area. It is a red policy area and is also an Arts and Entertainment District. At some point, the Council may wish to consider removing references to “urban renewal areas” (that no one can identify in geographic terms other than Silver Spring) from the code.

**This report contains:**

ZTA 19-09  
Planning Staff Report

**Page #**

© 1-4  
© 5-6

Zoning Text Amendment No.: 19-09  
Concerning: Prohibited Roof Signs –  
Exemptions  
Draft No. & Date: 3 – 11/19/19  
Introduced: November 26, 2019  
Public Hearing: January 14, 2020  
Adopted:  
Effective:  
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

---

Lead Sponsor: Councilmember Friedson

---

**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- Allow roof signs in red policy areas under certain circumstances; and
- Generally amend the provisions for roof signs.

By amending the following sections of the Montgomery County Zoning Ordinance,  
Chapter 59 of the Montgomery County Code:

Division 6.7.	“Signs”
Section 6.7.4.	“Prohibited Signs”
Section 6.7.10.	“Urban Renewal Areas”

**EXPLANATION:** ***Boldface** indicates a Heading or a defined term.*  
*Underlining indicates text that is added to existing law by the original text amendment.*  
*[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.*  
*Double underlining indicates text that is added to the text amendment by amendment.*  
*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

## OPINION

Zoning Text Amendment (ZTA) 19-09, Prohibited Roof Signs – Exemptions, lead sponsor Councilmember Friedson, was introduced on November 26, 2019. ZTA 19-09 would allow roof signs in Red Policy Areas as identified in the most recent Subdivision Staging Policy.

Currently, roof signs are prohibited, except in urban renewal areas (Silver Spring Triangle, Lyttonsville, Scotland, Emory Grove, and Rockville). Some buildings in high-density areas are constructed with glass walls. Signs that block windows are impractical. On buildings with all glass walls, the Zoning Ordinance effectively prohibits high wall signs and prohibits roof signs. For all practical purposes, the allowance for roof signs before ZTA 19-09 only affects part of the Silver Spring CBD. ZTA 19-09 would allow rooftop signs in White Flint, Wheaton, Twinbrook, Silver Spring CBD, Shady Grove, Grosvenor, Glenmont, Forest Glen, Friendship Heights, and the Bethesda CBD.

In its report to the Council, the Montgomery County Planning Board recommended approval as introduced. The Planning Board thought there were sufficient safeguards in the Sign Review Board approval process. That process requires a public hearing.

The Council's public hearing was conducted on January 14, 2020. All testimony supported the approval of ZTA 19-09.

The Council referred the text amendment to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on January 23, 2020. The Committee recommended approving ZTA 19-09 as introduced, with a technical correction.

The Council agreed with the recommendation of the Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 19-09 will be approved as introduced, with a technical correction.

## ORDINANCE

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*



**Sec. 1. Division 6.7. Signs**

\* \* \*

**Section 6.7.4. Prohibited Signs**

A sign not authorized in Division 6.7 is prohibited. Except for a sign that is not visible beyond the property lines of the property where the sign is located, the following signs are specifically prohibited and must not be erected or retained. The Sign Review Board must not grant a variance permitting their erection, installation, or maintenance. A prohibited sign must be removed within 24 hours after notification by DPS that the sign must be removed.

\* \* \*

**B. Roof Sign**

Unless approved as part of a sign concept plan for an optional method development project located in an urban renewal area or in a red policy area as identified by the most recent Subdivision Staging Policy, a sign painted on the roof of a building[,] or supported by poles, uprights, or braces extending from or attached to the roof of a building, or projected above the roof of a building, is prohibited. A wall sign is not a roof sign, and for the purposes of Division 6.7 a roof surface constructed at an angle of within 15 degrees of vertical is regarded as wall space. Screening that encloses equipment such as a heating, ventilating and air conditioning unit, an elevator shaft, and stairs located on a roof also are considered wall space.

\* \* \*

**Section 6.7.10. Urban Renewal or Red Policy Areas**

**A.** A permanent sign located in an approved urban renewal or red policy area as part of an optional method development project need not satisfy the Design Elements and Limitations of Division 6.7 where the Sign Review Board

27 approves the sign as part of a sign concept plan; however, any roof sign in a  
28 red policy area must not exceed the height limits of the property's zone.

29 B. Before approving any sign concept plan under Section 6.7.10, the Sign  
30 Review Board must hold a public hearing on the sign concept plan in the  
31 urban renewal or red policy area[,] after giving 30 [[days]] days' notice and  
32 verifying that the applicant has satisfied all applicable variance notice  
33 requirements.

34 \* \* \*

35 **Sec. 2. Effective date.** This ordinance becomes effective immediately upon  
36 the Council's adoption.

37

38 This is a correct copy of Council action.

39

40

41 \_\_\_\_\_  
42 Selena Mendy Singleton, Esq.  
Clerk of the Council





**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**OFFICE OF THE CHAIR**

January 13, 2020

**TO:** The County Council for Montgomery County, Maryland, sitting as the District Council for the Maryland-Washington Regional District in Montgomery County, Maryland

**FROM:** Montgomery County Planning Board

**SUBJECT:** Zoning Text Amendment No. 19-09

**BOARD RECOMMENDATION**

The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed Zoning Text Amendment No. 19-09 (ZTA 19-09) at its regular meeting on January 9, 2020. By a vote of 5:0, the Planning Board recommends approval, as introduced, of ZTA 19-09 to allow roof signs in Red Policy Areas as part of a sign concept plan for an optional method development project given that: approval of the sign concept plan could occur only after the Sign Review Board holds a public hearing on the proposal; and, the height of any roof sign could not exceed the height limit of the underlying zone.

A sign painted on the roof of a building or supported by poles, uprights, or braces extending from or attached to the roof of a building, or projected above the roof of a building, is currently prohibited unless approved as part of a sign concept plan for an optional method development project located in an urban renewal area. The existing urban renewal areas in Montgomery County include: Silver Spring Triangle, Lyttonsville, Scotland, Emory Grove and Rockville.

The proposed amendment to the Montgomery County Zoning Ordinance would allow roof signs pertaining to on-site activities (a sign concerning an off-site activity is prohibited) in a Red Policy Area, as identified in the most recent Subdivision Staging Policy. As currently is the case for a roof sign in an urban renewal area, only a sign approved as part of a sign concept plan for an optional method development project would be allowed on or above a roof. In addition, any roof sign proposed above the roof would be permitted only if the sign does not extend above the maximum height limit of the underlying zone.

Some buildings in high density areas are constructed with glass walls. Signs that block windows are undesirable and impractical. In these cases, allowing roof signs with Sign Review Board approval can provide more practical options.

The Board also believes that the submission requirements for a sign concept plan application (scale drawings of the site delineating the location, dimensions, colors, shape, and architectural characteristics of all signs) provide adequate details for review by the Sign Review Board.

#### **CERTIFICATION**

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, at its regular meeting held in Silver Spring, Maryland, on Thursday, January 9, 2020.



Casey Anderson  
Chair

CA:GR:aj